

RULE 983, CALIFORNIA RULES OF COURT [COUNSEL PRO HAC VICE]

(Amended by the Board of Governors July 27, 2001)

(Subject to approval by the Supreme Court)

(a) **Definition**

A “Counsel Pro Hac Vice” is an attorney

- (1) who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court, the District of Columbia, or the highest court in any state, territory or insular possession of the United States;
- (2) who has been retained to appear in a particular cause pending in a court of record in this state;
- (3) who has filed with the court a verified application together with proof of service; and
- (4) whose appearance has been approved by the court.

(b) **The State Bar Counsel Pro Hac Vice Program**

The State Bar of California shall establish and administer a program for tracking non-member out-of-state attorneys who appear in a court of record in California pursuant to this Rule under rules adopted by the Board of Governors of the State Bar.

(c) **Eligibility to Appear as Counsel Pro Hac Vice**

To be eligible to appear as a Counsel Pro Hac Vice, an attorney must:

- (1) Not be a resident of the State of California;
- (2) Not be regularly employed in the State of California;
- (3) Not be regularly engaged in substantial business, professional, or other activities in the State of California;
- (4) Associate an active member of the State Bar of California as attorney of record;
- (5) Agree to comply with the laws of the State of California, the Rules and Regulations of the State Bar of California, and all the provisions of the rules and regulations adopted by the Board of Governors of the State Bar of California pursuant to this rule;
- (6) Agree to be subject to the jurisdiction of the courts of this state, with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a member of the State Bar of California;
- (7) Agree to become familiar with and comply with the standards of professional conduct

required of members of the State Bar of California;

- (8) Agree to be subject to the disciplinary jurisdiction of the State Bar of California;
- (9) Present satisfactory proof of current good standing and eligibility to practice law in the courts admitted;
- (10) Not be currently suspended or disbarred in any court; and
- (11) Disclose the imposition of discipline against the attorney by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

(d) **Discipline**

An out-of-state attorney who appears as a Counsel Pro Hac Vice and who fails to comply with the Counsel Pro Hac Vice Program Rules and Regulations and the rules governing the conduct of attorneys in California, with respect to any acts occurring in the course of such appearance, shall be subject to discipline to the same extent as a member of the California bar.

(e) **Denial**

An attorney may be denied an appearance as Counsel Pro Hac Vice for repeated appearances, absent special circumstances.

(f) **Fee**

The State Bar shall have the authority to set and collect appropriate fees for this program.

(g) **Inherent Power of Supreme Court**

Nothing in these rules shall be construed as precluding the Supreme Court or a Court of Appeal from permitting argument in a particular case by a non-member who has special expertise in the particular field affected by the proceeding or affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.